

BARRETT ASKS A REWARD

FOR FINDING HAIR WHICH

HARRIS SAYS ISN'T MARY'S

Man Who Claims to Have Discovered Evidence
Which Led

to Arrest and Conviction of Leo M. Frank
Asks Council

for \$1,000—Motion for New Trial Will Be
Asked of Judge

Ben Hill Following Revelation That Dr. Harris
Told Solic-

itor Hair Was Not Mary Phagan's

ATTORNEYS FOR DEFENSE ISSUE STINGING CARD

INSINUATING OTHER EVIDENCE WAS HELD BACK

“Facts About This Hair Will Awaken Wonder as to
What

Other Things Were Concealed and
Misrepresented in Same

Way,” Say Rosser and Arnold—New
Developments Will

Form Basis for Extraordinary Motion in Superior
Court of

Fulton County

Interest has been added to the sensational statement of Dr. H. F. Harris that the hair found on the lathe in the pencil factory metal room by R. P. Barrett was not the hair of Mary Phagan, by the filing of a claim by Barrett for the \$1,000 reward offered by the city council for evidence to convict the murder of the girl.

In his petition, which was filed with the city authorities on Friday evening, Barrett alleges that he is entitled to the reward offered by the city because he first found blood spots on the floor of the metal room and hair on the lathe, about fifteen feet from the blood spots.

Barrett, who was called “Christopher Columbus Barrett” by attorneys for the defense of Frank during the trial, because of the

several discoveries about the case which he made, claims that the finding of the blood and the hair in the metal room led directly to the arrest of Leo M. Frank and his subsequent conviction for the crime.

Until he found the hair and blood in the metal room the detectives and other officials had been working on the theory that the murder was committed in the basement of the factory, Barrett asserts, and until he brought the clues to the attention of the officers of the law, they were working on the theory that Newt Lee, the night watchman, had killed the girl.

CAUSED FRANK'S ARREST, HE SAYS.

In his petition Barrett goes into detail about the finding of the blood and hair on the Monday following the death of the girl on Saturday, and tells of calling the officers, who a short time later took Frank into custody, and exonerated the watchman.

Had it not been for his finds Barrett asserts that the state would never have convicted Leo M. Frank of the crime.

Coming, as it does, on the heels of the sensational statement by Dr. Harris, the state's chief expert at the trial., Barrett's contention is proving of interest.

Attorneys for the defense of Frank concur in the opinion of Barrett [illegible] and [illegible] formed an all important part of the state's case against Frank.

Solicitor Hugh M. Dorsey, while he has stated that he does not attach importance to Dr. Harris' opinion that the hair was not Mary Phagan's, admits that the discovery of the hair on the second floor was one of the points in the state's circumstantial case.

Work on the motion for a rehearing of the Frank case by the supreme court was going rapidly forward Saturday morning, despite the certainty that the superior court will be asked to grant a new trial on the ground of newly discovered evidence. It seemed probable that the motion for a rehearing would be filed with the supreme court some time Monday.

Dr. Harris' statement to The Journal created a sensation and brought forth a stinging statement from Attorneys Rosser and Arnold, of counsel for Leo M. Frank. They declared in this statement that they were amazed beyond words by Dr. Harris' admissions and asserted that "unless we are much mistaken in the fairness of the people of Fulton County, the admitted facts about this hair will awaken great wonder as to what other things were concealed and misrepresented in the same way."

DORSEY ADMITS HARRIS TOLD HIM.

The Journal's story also elicited a statement from Solicitor Dorsey in which he admitted that prior to the trial Dr. Harris had advised him that in his (Dr. Harris') opinion the hair found on the lathe handle was not that of Mary Phagan's. "I did not depend on Dr. Harris' testimony, anyway," said the solicitor. "Other witnesses in the case swore that the hair was that of Mary Phagan's, and that sufficed to establish my point."

Although the attorneys for the defense have not given out any intimation of their plans it can be regarded as a fact that they will use the facts developed by The Journal as the principal basis for an extraordinary motion for a new trial, which they will make to Judge Ben H. Hill, of the Fulton superior court, within the next few days.

"WHAT OTHER THINGS WERE CONCEALED?"

The statement given out by Messrs. Rosser and Arnold after they had read The Journal's story follows:

“The story that the state and its chief medical expert knew during the trial of Leo M. Frank that the hair found in the pencil factory was not the hair of Mary Phagan amazes us beyond words.

“For some time, we have heard vague rumors that the hair that figured in the Frank case was not the hair of Mary Phagan, and that Dr. Harris knew it when he testified at the trial, and that the solicitor knew it when he was making proof about the hair by Barrett, Magnolia Kennedy and other witnesses; but, in spite of these rumors, we could not bring ourselves to believe that Dr. Harris would have concealed this important matter, with the knowledge of the solicitor, and that the solicitor himself would argue to the jury as he did—that the finding of this hair was evidence of the fact that Frank had killed Mary Phagan on the second floor of the factory.”

“Unless we are much mistaken in the fairness of the people of Fulton county, the admitted facts about this hair will awaken great wonder as to what other things were concealed and misrepresented in the same way.”

SOLICITOR DORSEY’S STATEMENT.

Solicitor Dorsey gave out the following statement:

“We were entirely open and above board. Dr. Harris, prior to the trial, told me that in his opinion the hair found on the machine near the spot where Mary Phagan was killed was not that of the dead girl.”

“I expected the attorneys for the defense to ask Dr. Harris while he was on the stand if the hair found on the machine was that of Mary Phagan, but they did not do so. I did not depend on Dr. Harris’ testimony, anyway. Other witnesses in the case swore that the hair was that of Mary Phagan, and that sufficed to establish my point.”

"I do not wish to wrangle over this case much longer. Further than this statement, I will not talk at the present time, but what I have said is the truth, and the matter—from my standpoint—must rest on that."

DR. HARRIS EXPLAINS TEST.

Following his sensational admission to The Journal Friday that the hairs found on the lathe in the metal room of the National Pencil company last spring were, in his opinion, not from the head of little Mary Phagan, and that he had so stated at the time to Solicitor Hugh Dorsey, Dr. H. F. Harris explained to a Journal reporter exactly how his examination was made that resulted in the conclusion that the two specimens of hair were not the same.

"An expert examination," said the doctor, "is made under the microscope, in order that the texture and shape of separate hairs may be determined."

The doctor said he placed specimens of both kinds of hair in hot paraffin, with the ends sticking up. When the paraffin had hardened, a sharp knife was used to shave off the raised ends of hair.

USED POWERFUL LENSES.

The particles thus obtained are almost invisible, he said, save under powerful lenses, with a flood of light from the combined force of several mirrors upon them. Under the microscope he could distinctly see, he said, that one sample of hair was rounder and thicker than the other. The doctor could not recall which at the time was the chick and which the flat specimen.

Under the microscope, it seems, no idea of color can be obtained, so small

(Continued on Last Page, Col. One.)

PDF PAGE 12, COLUMN 1

MOTION FOR NEW FRANK

TRIAL IS EXPECTED TO

FOLLOW JOURNAL'S STORY

(Continued from Page One.)

are the hair particles; but Dr. Harris stated that he also made an examination for color by placing bunches of the hair he had cut from Mary Phagan's head together and as many of the hair samples from the solicitor's find together as he had, about eight or ten in all.

Dr. Harris said he obtained a good idea of the colors of both samples in that way, and that at the time it was obvious to him that there was a difference in shading.

Following his report to the solicitor, said Dr. Harris, he gave him back the pieces of hair that had not been used. The particles

placed under the microscope, he still has, he says, and can find them and produce them if necessary.

Dr. Harris says that there is no other method of distinguishing between hair more infallible than the one he employed. While it proved to him conclusively, he said, that the two samples of hair were entirely different, he would not like to swear to such a statement.

BARRETT'S PETITION.

The following is the full petition of R. P. Barrett asking for the one thousand dollars reward offered by city council for information leading to the arrest and conviction of the murderer of Mary Phagan.

"Atlanta, Ga., Feb. 20, 1914."

"To the Honorable Mayor and General Council of the City of Atlanta:"

"The petition of Robert Barrett shows the following facts:"

"1. That he is a resident of the city of Atlanta, living at 549 West North Avenue."

"2. That he furnished the information leading to the arrest of the person guilty of the murder of Miss Mary Phagan."

"3. That on the 25th, 26th, and 28th days of April, 1913 he was in the employ of the National Pencil factory, S. Forsyth street, city of Atlanta."

"4. His duties at said time were as an operator of the lathe machine in the pencil factor and when he stopped off working on the evening of April 25, 1913, he left an unfinished job in the lathe. He did not return to work at the factory on the following morning, the 26th of April, 1913; for that it was Memorial Day, and

the factory was practically closed for work on that day. The next day was Sunday. On Monday morning he returned to the factory for the purpose of resuming his work at the lathe. Upon going to the machine, he discovered ten or twelve long hairs that came from Miss Mary Phagan's head still hanging to the handle of the lathe; he also first found blood spots in the metal department on the second floor of the factory. The blood spots and the strand of Miss Mary Phagan's hair were some fifteen feet apart. The find of the hair and the blood spots he reported immediately to Messrs. Darley and Lemmie Quinn. The findings and the report were about 6:30 o'clock or 7 a.m. Monday morning, April 28th, 1913. Upon these facts being brought to Mr. Darley's attention, he called the detective department and immediately Detectives John Black and John Starnes came to the factory and Mr. Barrett, the petitioner herein, gave the strand of hair to Detective Black and showed them the blood spots in the metal room. During this day Mr. Leo Frank was arrested and carried to the station house in the city of Atlanta."

"4. It was upon these clues which brought to the attention of the officers of the law that the crime of murder had not been committed in the basement of the factory, as first thought by the negro watchman, who has since been exonerated of the crime, but was committed on the second floor of the factory, where Mr. Frank's office as superintendent of the factory was."

"5. At the trial of the case of Leo Frank in the superior court of Fulton county the petitioner appeared as a witness and testified to the finding of the hairs and the blood spots on the second floor of the factory."

"6. Leo Frank was tried and convicted of the murder of Miss Mary Phagan on the 25th day of August, 1913."

“7. The supreme court of the state of Georgia has passed on his motion for a new trial and that honorable court has refused to grant him a new hearing on the case.”

“8. The present judge of the superior court by the criminal division will soon pass or resentence Leo Frank to be executed in terms of the law for the murder of Miss Mary Phagan.”

“9.—On the 30th day of April, 1913, this honorable council and mayor passed the following resolution:”

“Council chamber, Atlanta, Ga.”

“By Councilman Humphries: Resolved by mayor and general council: That the sum of \$1,000 be and the same is hereby offered for information leading to the arrest of the person or persons guilty of the murder of one Miss Mary Phagan, which murder was committed on the night of April 26, in the city of Atlanta, and the above sum shall be taken from the contingent fund.”

“Adopted by council April 30, 1913.”

“Concurred in by aldermanic board April 30, 1913. Approved April 30, 1913, by James G. Woodward, mayor.”

10.—Petitioner as a person who furnished the information that led to the arrest and final conviction of Leo Frank respectfully submits this his claim to the sum stated in the foregoing paragraph and asks that this honorable body pay him said reward.

“R. P. BARRETT, petitioner.”

“LAWTON NALLEY, attorney.”

CONLEY WON'T PLEAD GUILTY.

William M. Smith, attorney for the negro Jim Conley, declares that not only will he refuse to enter a plea of guilty for his client, when he is arraigned in the criminal division of the superior court next week, but he confidently expects the negro to be acquitted of the charge of being accessory after the fact of Mary Phagan's murder.

"Conley," says Attorney Smith, "is not guilty under the charge in either of the two indictments against him, and I expect to demonstrate that to the full satisfaction of the judge and the jury when his case is called. Of course, there is nothing for me to do except to admit the court record of Conley's statement at the Frank trial, which includes his admission that he carried the body of Mary Phagan from the second floor to the basement of the factory. But that does not make him guilty as an accessory under the two indictments against him."

TWO INDICTMENTS.

There are two indictments against Conley, one charging a misdemeanor and the other a felony.

The solicitor general has consistently refused to say whether he will prosecute Conley under the felony or under the misdemeanor indictment. In the felony case the extreme penalty is three years in the chaingang, and one year in the misdemeanor case.

The case against Conley is the first one on the published calendar for the session of the superior court, which commences next Monday morning and lasts through Friday of next week. It is possible, however, that the case will not be reached until the latter part of the week.

The hearing of the case is not expected to consume much of the court's time. The hearing will consist mainly of argument on

legal points, as the facts which the state will seek to prove will be admitted by Conley's attorney.